

REMARKS

The foregoing amendments are made in response to the Notice of Allowability mailed February 14, 2008 with accompanying Examiner's Amendment. The Issue Fee for this application has not been paid as of the filing of this Amendment. Claims 23-39 remain in this application. The Claims as presented above reflect the Examiner's Amendment which included the addition of Claim 39. The foregoing amendments reflect the correction of inadvertencies in Claims 32 and 34 and a clarification in Claim 39. In each of Claims 32 and 34, "methyl" has been inserted into the expression "(-6-amino-3-pyridylcarbonyl)-" so that it reads "(-6-amino-3-pyridylcarbonylmethyl)-". It is clear that methyl was inadvertently omitted in the naming of the compounds claimed in view of the structural formula in Claim 23 wherein there is a methylene link between the "X" and the benzimidazol group. Claim 32 is further amended to correct a typographical error in that "-furazan-2-yl-" is corrected to read "-furazan-3-yl-". Again, it is clear from the structural formula in Claim 23 that the furazanyl group is substituted in the 3 position and not the 2-position. Finally, Claim 39 is amended to recite that the claimed compounds are as represented by the structural formula. These amendment do not introduce any new matter into the claims. Accordingly, it is respectfully requested that the foregoing amendments and these remarks be made of record in the above-identified patent application.

This Substitute Amendment is being filed because it has been discovered that, in four instances, amendments made by Examiner's Amendment were inadvertently omitted from the claims as presented above. These changes in the claims are not represented above as amendments because the claims were already amended in those instances, hence to represent them as amendments above would not be correct as, technically, they are not within the amendments presented under 37 C.F.R. § 1.312 herein. It is respectfully requested that the claims as presented above be considered in regard to the Amendments under 37 C.F.R. § 1.312. The changes made above inadvertently omitted from the Amendment previously filed are as follows:

Claim 23, line 10, "nitrogen heterocycl" is replaced with "nitrogen a heterocycl".

Claim 27, line 3, "64" is replaced with "64, 65".

Claim 28, line 1, "phenyl" is replaced with "optionally substituted phenyl".

Claim 37, line 10, "nitrogen heterocycl" is replaced with "nitrogen a heterocycl".

No fees are believed to be necessitated by the foregoing amendment. However, should this be in error, authorization is hereby given to charge Deposit Account No. 03-3839 for any underpayment, or to credit any overpayments thereto.

Telephone calls should be addressed to R. Hain Swope, Reg. No. 24,864, at (973) 596-4905 and fax communications should be sent directly to him at (973) 639-6357.

Respectfully submitted,

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